

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NOTICE OF MOTION

KENNEY, BECKER LLP and
EUGENE S. BECKER,

Plaintiffs,

Docket 06 Cv 2975 (JSR)

-against-

MARTIN S. KENNEY,

Defendant.

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PLEASE TAKE NOTICE that plaintiffs move the court for an order granting reargument and renewal of the state court order which granted defendant's motion to compel arbitration and denied plaintiffs' cross motion to stay arbitration, and upon such reargument defendants' motion to compel arbitration be denied and dismissed, plaintiffs' cross motion to stay arbitration be granted, and defendant's demand for arbitration be dismissed.

At a pre-motion conference held on April 24, 2006, the court scheduled oral argument for May 15, 2006, at 4:00 PM; and directed plaintiffs' moving papers to be served and filed May 1, 2006, answering papers served and filed May 8, 2006, and a short reply served and filed May 11, 2006.

Dated: New York, New York
May 1, 2006

/s/ Stephen Latzman
Stephen Latzman, Esq. (SL 6462)
Attorney for Plaintiff
276 Fifth Avenue, Suite 306
New York, New York 10001
(212) 532-3368

To: Joseph H. Lilly, Esq.
Attorney for Defendant
60 East 42nd Street, Suite 1338
New York, NY 10165

Certificate of Mailing

State of New York)
County of New York) ss.:

Stephen Latzman, an attorney, certifies following:

On May 1, 2006, I served the within Notice of Motion upon Joseph H. Lilly, Esq., Attorney for Defendant at 60 East 42nd Street, Suite 1338, New York, NY 10165, by first class mail by depositing a true copy of same in a postpaid properly addressed wrapper in an official depository under the exclusive care and control of the United States Postal Service within the state of New York.

Dated: May 1, 2006

/s/ Stephen Latzman
Stephen Latzman, Esq. (SL 6462)
Attorney for Plaintiff
276 Fifth Avenue, Suite 306
New York, New York 10001
(212) 532-3368